


ADMINISTRATIVE SERVICES DEPARTMENT

MEMORANDUM

DATE: July 16, 2012

TO: The Oversight Board of the Successor Agency to the Former Temple City Redevelopment Agency

FROM: Tracey L. Hause, Administrative Services Director 

SUBJECT: FEE AGREEMENT FOR LEGAL COUNSEL SERVICES

RECOMMENDATION:

It is recommended that the Oversight Board of the Successor Agency to the Former Temple City Redevelopment Agency ("Board"):

- a. Approve the attached Fee Agreement (Attachment "A") with Colantuono & Levin for general counsel services, and
- b. Direct staff to include the cost of such services in the amount not to exceed \$18,000 in the amended Reorganized Obligation Payment Schedule (ROPS).

BACKGROUND:

1. On May 7, 2012, the Board established an Ad Hoc Sub-Committee comprised of Chair Jaynes, Vice Chair Peacock and Board Member Wiles to review proposals for legal services. On a motion of Chair Jaynes, seconded by Board Member Wiles, the Board approved to instruct City staff to send out a Request for Qualifications (RFQ) for legal services.
2. On May 10, 2012, City staff made contact with the following firms notifying that the Board was soliciting qualifications for legal services:
 - Meyers Nave
 - Colantuono and Levin
 - Gresham Savage
 - Kane Ballmer & Beckman
 - Lewis Brisbois

Attachment "B" provides a copy of the RFQ. The submittal deadline for proposals was May 24, 2012.

3. On May 24, 2012 at 5:00 p.m., City staff received one proposal for legal services from the firm Colantuono and Levin (Attachment "C").
4. On May 30, 2012, the Ad Hoc Sub-Committee met, reviewed the one proposal received and took action to recommend the firm of Colantuono and Levin to the full Board for legal services.
5. On June 4, 2012, the Board considered a report and recommendation from the Ad Hoc Sub-Committee to retain Colantuono and Levin for general legal counsel services. The Board directed staff to place an action item to approve an agreement for legal counsel to the Board on the July 16, 2012 agenda. The Board also directed staff to include the cost of legal counsel services in the forthcoming Reschedule Obligation Payment Schedules ("ROPS").
6. On July 3, 2012, the City Council as Successor Agency to the former Temple City Redevelopment Agency ("City Council"), approved the attached Fee Agreement for general counsel services to the Board. Assembly Bill X1 26 requires that the Successor Agency to the former Redevelopment Agency pay for the administrative costs (including any direct legal support) of the Board. As a result, the fee agreement is set up with the Board as the client, but with the Successor Agency is the party responsible for payment, thus requiring City Council approval.

ANALYSIS:

The Board has determined that general legal counsel is necessary in order to ensure all actions taken are in accordance with AB X1 26. Further, if the Board does not have general legal counsel, the Successor Agency's counsel would be their resource for legal advice. This arrangement is not preferred or recommended by staff, as a perceived or real conflict of interest could arise.

Following are the proposed fees for general counsel services by Colantuono & Levin:

- \$225/hour for all non-litigation work, with a monthly cap of \$3,000.
- No travel time charged to attend Board meetings.
- Rate for litigation is capped at \$300/hour.
- No retainer is required.
- Time billed in 1/10th increments.

CONCLUSION:

In order to ensure all actions taken by the Board are in accordance with AB X1 26 and to avoid a perceived or real conflict of interest, staff is recommending the Successor Agency approve hiring the firm of Colantuono & Levin for general counsel services to the Board.

FISCAL IMPACT:

The Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through December 31, 2012, will be amended to include an amount not to exceed \$18,000 for this expense for general counsel services to the Board. As a result of this amendment, the expense will become an obligation of the Successor Agency. Hence, staff will request approval of the amended ROPS at the August 2012 meeting of the Board. The remaining obligation of an amount not to exceed \$18,000 for same legal services, in the second half of the fiscal year, will be included on the ROPS for the period of January 1, 2013 through June 30, 2013, which staff will begin preparing in August.

ATTACHMENTS:

- A. Fee Agreement with Colantuono & Levin to Provide General Counsel Services
- B. Request for Qualifications (RFQ) for Legal Services
- C. Proposal from Colantuono & Levin

Teresa L. Highsmith
THighsmith@CLLAW.US
(213) 542-5703

Colantuono & Levin, PC
300 So. Grand Avenue, Ste. 2700
Los Angeles, CA 90071-3137
Main: (213) 542-5700
FAX: (213) 542-5710
WWW.CLLAW.US

May 31, 2012

Oversight Board to the Temple City
Redevelopment Agency Successor
Agency
c/o Chairman David Jaynes
City of Temple City
9701 Las Tunas Drive
Temple City, CA 91780

Re: Fee Agreement to Provide General Counsel Services to Oversight Board to
Temple City RDA Successor Agency

Dear Chairman Jaynes and Members of the Oversight Board:

I am delighted to have been chosen to represent the Oversight Board as your General Counsel and I write to propose a form of letter fee agreement for our firm to assist the Oversight Board as your General Counsel in all matters pertaining to the responsibilities of the Oversight Board pursuant to AB 1X 26. Colantuono & Levin, P.C. ("the firm") and all of its professionals are very pleased to have the opportunity to assist the Oversight Board in this way. This letter sets forth the basis upon which we will provide you legal services and bill you for services and costs. Because AB 1X 26 requires that all administrative costs of the Oversight Board, including costs for its direct legal representation, are the responsibility of the Successor Agency to the former Temple City RDA, this fee agreement is made with both the Successor Agency (as the party responsible for the payment) and the Oversight Board as our client, subject to the disclosures and consent required by Rule 3-310(C) and (F) of the Rules of Professional Conduct (explained below). If it is acceptable, please have it executed on behalf of both the City and the Oversight Board and return it to me. If you have questions or concerns about this form of agreement, please call me at the direct-dial number listed above.

The firm maintains a conflict of interest index which lists all clients of our firm and matters in which we represent them. We will not represent any party with an interest that may be adverse to an indexed person without first determining if a professional conflict of interest would arise. We propose to index the following names with respect to this matter:

Client-affiliated parties: Oversight Board to the Temple City RDA Successor Agency
Los Angeles County
Los Angeles County Consolidated Fire Protection District
Los Angeles County Community College District
Temple City Unified School District

Adverse parties: City of Temple City in its capacity as Successor Agency to the Temple City Redevelopment Agency
Temple City Redevelopment Agency

We have listed the City of Temple City, in its capacity as Successor Agency, as an adverse party because the Oversight Board has approval authority over the Successor Agency's Recognized Obligation Payment Schedule and disposal of other former RDA assets, which may impact City of Temple City funding and former RDA asset retention. Please let me know if there are other parties with an interest this issue that we should list, such as parties who may have an interest in receipt of RDA funding. Unless we hear from you to the contrary, we will assume that the above listing is accurate and complete.

We have reviewed our files and our conflicts index and have no other client relationships which would interfere with our ability to represent you in this matter.

Because AB 1X 26 requires the administrative costs of the Oversight Board to be paid by the Successor Agency, and therefore the City of Temple City is to pay our bills directly, our obligations under Rule 3-310(F) will be implicated. That rule states:

A member shall not accept compensation for representing a client from one other than the client unless:

(1) There is no interference with the member's independence of professional judgment or with the client-lawyer relationship; and

(2) Information relating to representation of the client is protected as required by Business and Professions Code section 6068, subdivision (e)....

We see no difficulty in complying with this rule, as our work will be for the Oversight Board, we will take our direction from the Oversight Board and preserve its secrets, and will not view the City of Temple City in its role as Successor Agency to the former Temple City RDA as our client for this representation.

By signing where indicated below, the Oversight Board agrees: (i) to retain us to represent it as provided in this letter, and (ii) to our acceptance of payment from the City of Temple City in its role as Successor Agency to the former Temple City RDA. The Oversight Board should consider the pros and cons of granting this request. The pros include access to our representation as your General Counsel regarding all your obligations and authority pursuant to AB 1X 26 and any amendments. The cons include the perception that we may have divided

loyalties. We believe we can effectively represent you in this matter as we do not currently represent the City of Temple City. This, however, is a judgment the Oversight Board must make for itself. You should consult independent counsel, including counsel for your appointing agencies, if you feel the need for legal advice on this point. If we can provide further information to assist your consideration of this request, please let me know.

Although we anticipate that your monthly needs for legal services will not exceed 10 hours per month, the nature of the matter makes it impossible for us to guarantee the total fees that may be incurred on this matter, although we will make every effort to represent you as efficiently as possible. You will receive monthly statements informing you of the fees and costs incurred during the prior month.

I will have primary responsibility for your representation, and the firm will use other attorneys and legal assistants in the best exercise of our professional judgment. If at any time you have questions, concerns or criticisms, please let me know. Naturally, we expect you to keep us reasonably informed of significant developments in matters relating to this representation.

We review all statements before they are issued to ensure that the amount charged is appropriate. The statement for fees is simply the product of the hours worked multiplied by the hourly rates for the attorneys and legal assistants who did the work. We bill in increments of 1/10 of an hour.

Our hourly rates are based upon the experience, reputation and ability of the professional performing the services and for 2012 range between \$175 and \$425 per hour for attorneys' time, and between \$110 and \$145 for the time of paralegals and legal assistants. However, we will agree to represent the Oversight Board at **\$225 per hour for the transactional (non-litigation) services of any of our attorneys, with a monthly cap of \$3,000 for all transactional (non-litigation) services.** We will **not** charge you travel time to attend meetings of the Oversight Board. In the unlikely event that the Oversight Board becomes involved in litigation, we agree to provide **litigation services at our standard rates which we will cap at \$300 hour,** as a professional courtesy to you. Our rate structure in general and the rates of particular lawyers may be increased from time to time, and are usually adjusted as of the beginning of each calendar year.

It may be necessary to bill you for items such as, but not limited to, authorized travel, long-distance telephone calls, authorized mileage at the IRS rate, filing fees, photocopying, word processing, secretarial overtime, computerized legal research and the like. These items are separately itemized on our statement as "disbursements." These amounts will be billed in addition to our professional fees.

We will send you monthly statements, and expect payment within 30 days of the billing date. If payment is not received within 45 days of the billing date, we reserve the right to charge interest on the unpaid balance at the rate of one percent per month and to terminate our representation.

We rarely have disputes with clients over our fees. Nevertheless, you should be aware that you are entitled to require that any fee dispute be resolved by binding arbitration in Los Angeles County pursuant to the arbitration rules for legal fee disputes of the Los Angeles County Bar Association. We agree that all disputes between us regarding the services rendered or fees charged not resolved via County Bar fee arbitration will be submitted to binding arbitration in Los Angeles to be conducted by JAMS in accordance with its commercial arbitration rules. YOU SHOULD REVIEW THIS PARAGRAPH CAREFULLY AND, IF YOU WISH, SEEK INDEPENDENT LEGAL COUNSEL REGARDING IT, AS YOU AND WE ARE AGREEING TO FOREGO SIGNIFICANT RIGHTS IN THE EVENT OF A DISPUTE BETWEEN US, INCLUDING THE RIGHT TO A JURY TRIAL.

You have the right to terminate our representation at any time. We have the same right, subject to an obligation to give you reasonable notice to arrange alternative representation. In either circumstance, you agree to secure new counsel to represent you as quickly as possible and to cooperate fully in the substitution of the new counsel as counsel of record in any litigation in which we may subsequently agree to be involved. Notwithstanding the termination of our representation, you will remain obligated to pay to us all fees and costs incurred prior thereto.

I apologize for the formality of this letter, but we are required by California law to provide this information to you in writing. We are also required to inform you that we currently carry professional liability insurance.

Please review the foregoing and, if it meets with your approval, have a copy of this letter executed on behalf of the Successor Agency and the Oversight Board and returned to me by fax and in the enclosed envelope. If you have any questions, please feel free to call me at the direct-dial number above.

We look forward to representing you. Thank you for the opportunity to do so!

Very truly yours,

Teresa L. Highsmith

TLH:tlh

Enclosures (duplicate original and return envelope)

On behalf of the Oversight Board to the Successor Agency of the former Temple City Redevelopment Agency, I hereby agree to: (i) retain Colantuono & Levin, P.C. ("the firm") to provide legal services to the Oversight Board, as client, as described above; and (ii) consent to the firm's acceptance of payment from City of Temple City in its role as Successor Agency of the former Temple City RDA.

By: _____
David Jaynes

Title: Chair, Oversight Board to the Successor Agency of the Temple City RDA

On behalf of the City of Temple City in its capacity as Successor Agency of the former Temple City Redevelopment Agency, I hereby agree to: (i) the retention of the Colantuono & Levin, P.C. ("the firm") by the Oversight Board to the Successor Agency of the former Temple City Redevelopment Agency, and (ii) that the Successor Agency of the former Temple City Redevelopment Agency will be responsible for the payment of such services but will not be a client of the firm with respect to the services provided to the Oversight Board.

By: _____
Jose Pulido

Title: City Manager, City of Temple City in its capacity as Successor Agency of former Temple City RDA

REQUEST FOR QUALIFICATIONS (RFQ)
FOR
LEGAL SERVICES
FOR THE
OVERSIGHT BOARD
FOR THE REDEVELOPMENT AGENCY SUCCESSOR AGENCY
FOR THE REDEVELOPMENT AGENCY OF THE CITY OF TEMPLE CITY

Under AB 1X 26 (chapter 5, Statutes of 2011), an Oversight Board was established to oversee the actions of the Redevelopment Agency Successor Agency for the dissolved Redevelopment Agency of the City of Temple City (RATC). The Oversight Board is seeking the services of an attorney with a professional law firm or an experienced sole practitioner to serve as Legal Counsel to the Board to provide oversight of Board operations, lending practices for development projects and other corporation services and activities.

The term of the engagement would be for fiscal year 2012-2013, but could commence sooner than July 1st, and the contract would likely be extended from year to year until the Oversight Board completes its work and is dissolved or is merged with the other oversight boards in Los Angeles County in 2016 as required under AB 1X 26. Either party could terminate the engagement with 90 days prior written notice.

Interested firms should have some experience advising public bodies on the Brown Act, Political Reform Act and the Public Records Act. It would be desirable if the firm also has experience with public contracting, public finance (bonds), and redevelopment funded development projects and activities, as well as loans and property dispositions.

The selected Legal Counsel would advise the Board and be supported by RATC staff, and would be expected to work closely with counsel from the various taxing entities with appointments to the Board or who receive property tax revenues. The Oversight Board members are as follows:

- Scott Wiles, (Representing Los Angeles County Consolidated Fire Protection District)
County of Los Angeles
- David Jaynes, (Representing Los Angeles County Office of Education)
Temple City Unified School District
- Steve Peacock, (Representing the Los Angeles Community College District)
Private Business Owner
- Brian Haworth, (Representing former employees of the Temple City Community
Redevelopment Agency)
City of Temple City

- Jose Pulido, (Representing City, Successor Agency of the Temple City Community Redevelopment Agency)
City of Temple City
- Linda Payne, (Representing Los Angeles Board of Supervisor Antonovich)
Community Member
- Vacant, (Representing Los Angeles Board of Supervisor Antonovich)

Due to conflicts of interest, the Legal Counsel and its firm could not be in an adversary position with the agencies that appointed the Oversight Board members, nor could it represent private developers under existing contracts with the prior dissolved Redevelopment Agency of the City of Temple City for redevelopment projects which have not yet been completed. The Board Rules of Procedure provide that the Legal Counsel may not be employed by: (i) the Redevelopment Agency Successor Agency; (ii) any of the other entities with appointments to the Board; or (iii) any of the affected taxing entities which may receive funding pursuant to AB 26. Any law firm currently under contract with the agencies that appointed the Oversight Board members and the other taxing entities may apply, but it is desirable that the Legal Counsel be independent from such agencies. For firms that represent agencies in litigation matters only, it is anticipated that the applicable entity would waive any conflict to allow for Oversight Board to select such firm.

The scope of the services of the Legal Counsel would include, but is not limited to, the following:

- Advise the Board on legal authority and liability for actions taken in the ordinary course of business.
- Advise the Board on actions necessary to protect the Board members from personal liability and protect the assets of the dissolved agency from liability and attachment.
- Review and advise the Board on the recommendations from RATC staff regarding contracting issues.
- Review and advise the board on recommendations from RATC staff on refinancing matters, overseeing completion of redevelopment projects, and disposition of property and other assets.
- Provide advice on legislative matters which may affect the Board (exclusive of lobbying).
- Represent the Board in connection with any inquiry, investigation, audit or other proceedings of state regulatory agencies.
- Represent the Board in any litigation brought by or against or otherwise involving the Board, or assist the Board in contracting for specialized litigation counsel and overseeing outside counsel's work.
- Engage in any other legal matter reasonably requested by the Board.

Experience/Qualifications:

The Legal Counsel must have knowledge and experience in the following areas of law: Brown Act, Political Reform Act, Public Records Act, contracts, and bond financing and lending. It would also be beneficial if the firm had experience with real property development and disposition and redevelopment law. Knowledge and experience in the other areas of public law would also be desirable.

Submittal Content:

- 1) A one-page cover letter with the name and contact information for the proposed lead attorney.
- 2) Description of how the firm will meet the scope of services outlined in this RFQ (not to exceed 5 pages).
- 3) Description of the qualifications and experience of the proposed lead attorney and any associates to be assigned to work for the Board in the areas of law listed above.
- 4) Three client references.
- 5) List of current hourly rates for each attorney and support staff proposed to be assigned to work for the Board and an estimated number of hours anticipated on a monthly basis. Also please provide an alternative compensation structure that would provide for a monthly "not to exceed amount".

Submittal Procedures:

Please submit three (3) copies of your proposal by Thursday, May 24, 2012 to:

Personal Delivery: Tracey L. Hause
Administrative Services Director
City of Temple City
9701 Las Tunas Drive
Temple City, CA 91780

Mail Delivery: Tracey L. Hause
Administrative Services Director
City of Temple City
9701 Las Tunas Drive
Temple City, CA 91780

Proposals may also be submitted via e-mail to thause@templecity.us. All inquiries should be directed to Tracey Hause at (626) 285-2171.

RATC staff, along with members of the Board or representatives from the other taxing entities will conduct an initial review and evaluation of all proposals to determine interview candidates. Interviews are tentatively scheduled for the week of May 28, 2012.

The Board reserves the right to reject any and all submittals and to waive minor inconsistencies. The cost of preparing responses to this Request for Qualifications shall be borne by the respondents and will not be reimbursed by the Board.

Teresa L. Highsmith
THighsmith@CLLAW.US
(213) 542-5703

Colantuono & Levin, PC
300 So. Grand Avenue, Ste. 2700
Los Angeles, CA 90071-3137
Main: (213) 542-5700
FAX: (213) 542-5710
WWW.CLLAW.US

May 24, 2012

VIA E-MAIL: thause@templecity.us

Tracey L. Hause
Administrative Services Director
City of Temple City
9701 Las Tunas Drive
Temple City, CA 91780

Re: Proposal to Provide General Counsel Services to Oversight Board to
Temple City RDA Successor Agency

Dear Ms. Hause:

I write to propose our firm's services as General Counsel to the Oversight Board to the Temple City RDA Successor Agency. We have kept this proposal very brief, as requested through the California City Attorney's List Serve and I have actually included the rate and scope of service information within this letter. Additional information about our firm, including a firm profile and bios of all our attorneys, appears on our web site at: <http://www.cllaw.us>. I also enclose my resume as proposed General Counsel, the resume of Scott Howard, who we propose as Assistant General Counsel to the Oversight Board, as needed, and three client references as requested.

Rates: Although our standard hourly rates range from \$175 to \$425 per hour for attorneys and from \$110 to \$145 per hour for paralegals, we will agree to provide general services to the Oversight Board at a blended hourly rate for the services of any of our attorneys of \$225. We understand that you anticipate a need for General Counsel to attend Oversight Board meetings when scheduled and provide general legal advice to the members of the Oversight Board, which we would anticipate would normally require fewer than 10 hours per month. As you have also requested a "not to exceed" alternative compensation structure, we propose a combination of \$225/hour with a "not to exceed" cap of \$3,000/month for all legal services, except litigation. We would not charge you for any travel time to and from meetings. For litigation services, we are willing to cap our standard rates at \$300 per hour.

Experience: Colantuono & Levin, PC is a municipal law firm with offices in Los Angeles and outside Grass Valley in the Sierra Foothills and one of California's leading

Tracey L. Hause
Administrative Services Director
May 24, 2012
Page 2

advisors to cities, counties and special districts. We represent public clients throughout California in all aspects of municipal law, including redevelopment and its dissolution process, the Brown Act, election law, conflicts of interest law, matters arising under the Public Records Act, public financing and revenues, housing, the California Environmental Quality Act, land use, and associated litigation. The firm prides itself on its extensive public law experience, its commitment to problem-solving, and a focus on ethical, affirmative and intelligent advice and representation. Our core commitment is to provide advice our clients find both helpful and understandable.

Team: I propose to serve as General Counsel to the Oversight Board to the Temple City RDA Successor Agency, with assistance, as needed from Scott Howard. I have extensive experience in advising public agency clients regarding compliance with the Brown Act, Political Reform Act, Public Records Act, and Community Redevelopment Law; I am well versed in the interpretation and application of the dissolution process set forth in AB 1X 26 ("the Legislation"), regarding the obligations and authority of both Successor Agencies and Oversight Boards, and I keep up to date on the developments in the interpretation and implementation and proposed amendments to the Legislation. I presently advise several Successor Agencies regarding the dissolution process, and have prepared agendas, staff reports, Conflict of Interest Codes and orientations for their initial Oversight Board meetings. The firm also provides special counsel services to counties and has represented a variety of special districts as general and special counsel. All these experiences will be helpful in our advice to the Oversight Board, which has approval authority over various actions of the Temple City RDA Successor Agency during the wind-down process and serves to protect the interests of the county, schools, and special districts in the winding down of Agency activity.

Scope of Services: Regarding the scope of services you anticipate needing, I am able to advise the Oversight Board on the specific Successor Agency actions that require prior Oversight Board approval (pursuant to Health & Safety Code Section 34180), including: any proposed amendments to existing contracts to facilitate the completion of redevelopment projects and disposition of property; advise on whether the various line items on Recognized Obligation Payment Schedules (ROPS) are "enforceable obligations" such that the ROPS may be approved by the Oversight Board; advise and represent the Oversight Board regarding any inquiries on any Oversight Board action from the Department of Finance or other state agency; advise on financing matters requested by a Successor Agency (such as requests to approve refinancing bonds or amending a Disposition and Development Agreement). Additionally, I can provide legal advice regarding the authority of the Oversight Board to order the termination of existing contracts (should the Oversight Board determine that such termination is in the best interest of the taxing entities) and whether real properties held by the Successor Agency are required to be sold, pursuant to the Oversight Board's authority under Health & Safety Code Section 34181.

Currently the Legislation provides Oversight Board members personal immunity from suit for any actions taken while serving on the Oversight Board within the course and scope of their responsibilities; additionally, the Department of Finance has proposed language amendments to the Legislation which include, among other things, eliminating the ability for

Tracey L. Hause
Administrative Services Director
May 24, 2012
Page 3

Oversight Boards to sue or be sued. In the unlikely event that the Oversight Board should become a party to litigation, the firm of Colantuono & Levin has a proven litigation track record and can provide you with litigation legal services.

We would be very pleased to represent the Oversight Board. Thank you for the opportunity to propose our services. Please let me know if additional references or any other additional information would be helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Teresa L. Highsmith", with a stylized flourish at the end.

Teresa L. Highsmith

TLH:tlh
Enclosures (2): Highsmith & Howard Resumes

cc: Scott Howard

References

Curt Mitchell, City Manager
Oliver Chi, Assistant to the City Manager
City of Barstow
Telephone: 760-255-5101/5102
cmithcell@barstowca.org
ochi@barstowca.org

Mayor Pro Tem Julie Hackbarth-McIntyre
City of Barstow
(760) 964-6178 (mobile)
jmcintyre@barstowca.org

Elaine Aguilar, City Manager
City of Sierra Madre
Telephone: 626-355-2917
eaguilar@cityofsierramadre.com

Karin Schnaider, Finance Director
City of Sierra Madre
Sierra Madre Oversight Board Member
Telephone: 626-355-7136
kschnaider@cityofsierramadre.com

TERESA L. HIGHSMITH

Colantuono & Levin, P.C.
300 So. Grand Ave., Ste. 2700
Los Angeles, CA 90071-3137
Telephone: (215) 542-5703
Cell: (213) 399-9292
THighsmith@CLLAW.US

Current Employment

- Senior Counsel, Colantuono & Levin, PC
Municipal advisory team;
- o City Attorney, City of Barstow
 - o City Attorney, City of Sierra Madre
 - o General Counsel to former Barstow Redevelopment Agency and its Successor Agency
 - o General Counsel to former Sierra Madre Community Redevelopment Agency and its Successor Agency
 - o General Counsel to the South East Los Angeles County Work Force Investment Board ("SELACO")
 - o General Counsel to SELACO Policy Board
 - o General Counsel to West-Comm JPA
 - o Assistant City Attorney, City of Los Alamitos

Legal Qualifications and Experience

General Services – Representing cities and city councils, redevelopment agencies and their post-AB 1X 26 Successor agencies, local reuse authorities, housing authorities, joint powers authorities and special districts at regular and special meetings; providing written and oral legal opinions and research on local government issues including zoning, land use, redevelopment, affordable housing, labor and employment issues, public bidding requirements, California Environment Quality Act (CEQA), Subdivision Map Act, Brown Act, Public Records Act, Conflict of Interest and code enforcement.

Redevelopment – Direct legal assistance on award winning redevelopment projects: *Historic Alameda Theatre Rehabilitation Project*, CRA Award of Excellence 2009; *Bridgeside Shopping Center*, CRA Award of Excellence 2008; legal assistance to Successor Agencies in all aspects of the dissolution process of AB 1X 26.

Contracts – Drafting and negotiating lease, loan and real property agreements; redevelopment agreements (Disposition and Development Agreements, Owner Participation Agreements, Pre-development Agreements); public works contracts; various land use agreements; various consultant agreements; labor and employment contracts and MOU's.

Ordinances – Drafting city land use, zoning and health and safety ordinances, resolutions and policies.

Litigation – Litigation background at both trial and appellate levels on a variety of issues and claims, including mandate actions challenging legislative and administrative acts, land use, personnel, Public Records Act, redevelopment, public works and construction contracts, and constitutional claims. Published cases: *Suter v. City of Layette* (1997) 57 CA4th 1109; *City of Livermore v. PG&E* (1997) 51 CA4th 1410; *City of Lafayette v. East Bay Municipal Utility District* (1993) 16 CA4th 1005.

Previous Employment

2006-2011	City Attorney of Alameda; General Counsel to Community Improvement Commission (Alameda Redevelopment Authority), Alameda Reuse and Redevelopment Authority (local reuse authority for former Naval Air Station, Alameda) and Housing Authority of City of Alameda
1997-2006	Assistant City Attorney of Alameda; Assistant General Counsel to Community Improvement Commission, Alameda Reuse and Redevelopment Authority and Housing Authority of City of Alameda
1992-1997	Assistant City Attorney to cities of Orinda, Lafayette and Bethel Island Municipal Improvement District; Special Counsel at various times to cities of Fremont and Livermore, through Law Offices of Charles J. Williams (as a contract attorney)
1991-1992	Deputy City Attorney to cities of Orinda, Lafayette, Moraga and Pittsburg, employed by the Law Offices of Charles J. Williams

Bar Admissions

1991	California Supreme Court U.S. District Court, Northern District of California U.S. District Court of Appeals, Ninth Circuit Member of American Bar Association, State Bar of California
------	--

Education

1991	J.D., with honors, John F. Kennedy University Editor, <i>John F. Kennedy University Law Review</i> 1989-1991
1977	B.A., with honors, University of Nevada, Reno

SCOTT H. HOWARD

1267 Norwich Lane, Ventura, California 93001
(818) 618-8877 ~ (805) 653-0844

SUMMARY OF EXPERIENCE:

Over thirty-four (34) years of experience with the City of Glendale City Attorney's Office, performing professional legal work, including supervision and prosecution of all Municipal Code violations; research, drafting, trials and hearings in all phases of civil and administrative proceedings, including eminent domain; advise and consult with City Departments, Commissions, City Council, Housing Authority and Redevelopment Agency on a wide variety of municipal issues; draft, review and approve contracts, resolutions and ordinances, provide training to elected and appointed officials on various subjects including AB 1234 ethics.

WORK HISTORY:

Jan. 2012 to Present: Of Counsel Colantuono & Levin. Provide city attorney advisory services to City of Calabasas

1990 – Sept 2011: City Attorney, City of Glendale, California

Supervise and direct the Legal Department. The Department consists of fourteen lawyers, one paralegal, and six secretaries, and has an annual budget of \$4 million dollars. The office provides a full range of legal services to City governmental departments including advice, litigation, code enforcement, drafting and approval of all ordinances, resolutions and contracts. Responsibilities include: advising all Municipal Commissions, the City Council, Housing Authority, Redevelopment Agency, and Department Heads regarding all issues of concern to a large municipality including, but not limited to, issues involving the Brown Act, conflicts of interest, environmental laws, land use, law enforcement, public service, and waste management. Research and prepare contracts, opinions, resolutions and ordinances for City Council consideration. Provide training on various subjects.

1981-1990: Senior Assistant City Attorney, City of Glendale, California

Supervise and direct the prosecution of all Municipal Code violations. Handle a wide variety of civil litigation in both State and Federal Courts, including eminent domain, tort actions, civil rights, land use, and employee-related litigation for the third largest city in Los Angeles County. Appear before the Court of Appeals on a number of occasions. Represent the City in administrative proceedings.

1979-1981: Assistant City Attorney, City of Glendale, California

Supervise the prosecution of all Municipal Code violations. Handle a variety of civil litigation in both Municipal and Superior Courts. Advise and render opinions to Department Heads, Commissions and City Council. Research and draft opinions, contracts and ordinances.

1977-1979: Deputy City Attorney, City of Glendale, California

Prosecute against Municipal Code violations. Defend the City in a variety of civil litigation matters. Research and draft legal opinions. Advise Department Heads. Draft and approve contracts and ordinances.

1975 - 1977: Legal Intern, Los Angeles District Attorney

Research and draft motions and oppositions thereto in criminal matters. Engage in jury and court trials of misdemeanor cases.

EDUCATION:

2006	Completed Josephson Institute of Ethics - Living up to the Public Trust
1989	Graduate, F.B.I. National Law Institute, 7th Session (50 attorneys chosen nationwide annually)
1977 - Present	Approximately 1,000 hours of seminars in general and municipal-related legal subjects.
1976	Juris Doctor Degree from Southwestern University School of Law
1973	Bachelor of Science Degree in Business Administration from University of Southern California

PROFESSIONAL CREDENTIALS AND AFFILIATIONS:

2011	Recipient - William I. Thornton Jr. IMLA Faculty Award by the International Municipal Lawyers Association
2010	Designated a Municipal Law Fellow by the International Municipal Lawyers Association
2008, 2006, & 2005	Named a Super Lawyer Government/Cities - Municipal Law
2006 - 2011	Regional Vice President, 9 th Circuit, International Municipal Lawyers Association Martindale-Hubbell Designated AV Rating Listed in Who's Who in California, 16 th Edition
2000 - 2006	State Chair, International Municipal Lawyers Association

1995	President, City Attorneys Association, Los Angeles County
1994	President, Glendale Bar Association
1993 - 1995	Los Angeles County Representative, League of California Cities Legal Advocacy Committee
1993 - 1995	Secretary/Vice President, Los Angeles County City Attorneys Association
1987 - 1994	Trustee, Glendale Bar Association Board of Trustees
1985 - Present	Member, Los Angeles County Bar Association
1981	Chairman of Subcommittee on Regulation--Ordinances and Administrative Regulations Concerning Police Powers of a City or Town, American Bar Association
1977 - 1990	Member, Criminal Justice Council, Glendale
1978 - Present	Member, Glendale Bar Association
1977 - Present	Member, American Bar Association
1976 - Present	Member, State Bar of California

Admitted to practice before all California State Courts; United States District Court, Central District; United States Claims Court; United States Court of Appeals for the Ninth Circuit; United States Supreme Court.

PROFESSIONAL ACCOMPLISHMENTS:

Advocated before the State Court of Appeal, State Supreme Court, and Ninth Circuit Court of Appeals. Developed and obtained precedent setting Court decisions in the area of municipal taxation and licensing, state preemption, the Constitutional limitations on the use of municipal streets for news publications, the rights of public agencies regarding police officers' medical retirements and firearm use; litigated and resolved open space/acquisition and civil rights cases.

Drafted numerous Ordinances, some used as a model by many cities and towns nationwide.

Restructured Glendale City Attorney's Office to increase efficiency and productivity in a cost effective manner.

PUBLICATIONS AND SPEAKING ENGAGEMENTS:

2011	International Municipal Lawyer's Association: <u><i>The Municipal Lawyer Magazine</i></u> , March/April 2011, Vol. 52, No.2; "Street Side Employment Solicitation Regulations - Are They On Life Support?"
2009	Guest Lecturer U.S.C. Masters of Real Estate Development Program- "Findings, Takings & Exactions; An Overview"
2008	Panelist and presenter at Cities on the Cutting Edge Program-Hastings College of Law - "Local Responses to Immigration Issues"
2007 - Present	Presentations on Firefighters Procedural Bill of Rights Act to League of California Cities, various fire departments in California, and City Attorneys Association of Los Angeles County
2005 - Present	Presentations on issues involving day laborer regulations to League of California Cities, International Municipal Lawyers Association, New Mexico Municipal League, and City Attorneys Association of Los Angeles County
1995 - Present	Conducted various training courses through in-house "Glendale University" including Open Meeting Laws; Ethics for Public Employees, Conflicts of Interest
1995 - Present	Conducted training for elected and appointed officials on various subjects including A.B.1234 Ethics, Open Meeting Laws, Conflicts of Interest, Public Hearings and Procedural Due Process
1990 - 2006	Annual lecturer for National Recreation and Parks Association. Present a 22 hour class; including written materials on "Managing Safety and Liability" with current case updates
1985 - 1986	Lecturer for California Conference of Arson Investigators. Subjects include Peace Officer Liability, Punitive Damages, Presentation of Testimony, Elements of Tort and other Liability in State and Federal Courts
1984 - Present	Annual Lecturer for California Parks and Recreation Society Inc., as well as Regional Seminars. Subjects include Municipal Liability, Employee Liability, Risk Management
1982 - Present	Numerous speeches and lectures before community groups including: Women's Civic League of Glendale, local Kiwanis Clubs and others regarding "The Prosecutorial Function of the City Attorney's Office," "Municipal Liability," and "Campaign Financing Issues in Local Elections"
1979	Lecturer, National Association of Consulting Arborists Annual Meeting, Newport Beach, California

1978

National Institute of Municipal Law Officers: *The Municipal Attorney*,
Volume 19, No. 11, November, 1978; "Successful Defense of the Glendale
Newsrack Ordinance"

OTHER ACTIVITIES:

Member, Glendale Committee to Celebrate the Bicentennial of the United States Constitution.

Member, Education Advisory Committee, Legal Secretarial; Glendale Community College District.

1987-1990 Member, Board of Directors, Glendale Family Service Association (a United Way Agency).

1982-1987 Sit as Judge Pro-tem in Glendale Municipal Court numerous times yearly.

1988-1989 Member, Kiwanis International, Glendale; Past Chairman, Law and Regulations Committee, 1988-1989.

1998-2005 Volunteer Settlement Officer for Superior Court, North Central District

1987-1996 Member, Glendale Chamber of Commerce.

Personal, judicial, and professional references available upon request.